

**MINUTES  
FOR THE MEETING OF THE  
COMMISSION ON WATER RESOURCE MANAGEMENT**

DATE: WEDNESDAY, SEPTEMBER 22, 2004  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**CALL TO ORDER**

Chairperson Peter Young called the meeting of the Commission on Water Resource Management to order at 9:06 a.m.

**ROLL CALL**

The following were in attendance:

**MEMBERS**

Mr. Peter Young  
Ms. Meredith Ching  
Mr. Clayton Dela Cruz

Mr. James Frazier  
Dr. Chiyome Fukino  
Dr. Lawrence Miike

**STAFF**

Deputy Director Yvonne Izu, Roy Hardy, Ed Sakoda, Dean Nakano, Glenn Bauer, Neal Fujii, Charley Ice, Lenore Nakama, David Higa

**COUNSEL**

Linda Chow, Esq.

**OTHERS**

Dr. Jonathan Scheuer, Kapua Sproat, Ophelia Ongalibang, Rosemary Liu, Nargis Sultana

All written testimonies submitted at the meetings are filed in the Commission office and are available for review by interested parties.

## **APPROVAL OF MINUTES**

MOTION: (Frazier/Dela Cruz)

To approve the minutes of the August 18, 2004 meeting as circulated.

UNANIMOUSLY APPROVED

## **SUBMITTALS**

### **A-1. Maui Departments of Water Supply and Parks & Recreation Hawaiian Commercial & Sugar Company, Kehalani Mauka, LLC, Applications for Water Use Permits, Iao Tunnel, Waihee Wells 1-3, Waiehu Heights Wells 1 & 2, Kepaniwai Well, Mokuahau Wells 1 & 3, Wailuku Shaft 33, Existing Uses Only, Iao Ground Water Management Area, Maui**

PRESENTATION OF SUBMITTAL: Roy Hardy

#### **SUMMARY OF REQUEST:**

Authorize a subcommittee of Commissioners to convene and take testimony at a public hearing on Maui concerning water issues for existing use only for reasonable-beneficial use of ground water from the Iao Aquifer.

#### **RECOMMENDATION:**

That the Commission authorize a subcommittee of commissioners to convene a public hearing to hear objections to and clarifications of water use applications for existing uses of ground-water from the Iao Ground-Water Management Area. Only complete applications for existing uses will be considered. Late, incomplete, or absent applications for existing uses will be considered abandoned and required to file applications for new use at a subsequent time.

#### **DISCUSSION:**

Roy Hardy distributed an amended Exhibit 2.

Dr. Jonathan Scheuer from the Office of Hawaiian Affairs (OHA) testified objecting to the water use applications as they feel the applications are incomplete. He also requested that the applications be made public prior to the public hearing as that would allow for time to comment on the applications rather than object at the meeting. Staff indicated that the applications will be made public before the meeting.

Kapua Sprout from Earthjustice, testified objecting to the water use application. Ms. Sprout requested that applications be made public prior to the public hearing.

Ellen Kraftsow from the Maui Department Water Supply (MDWS) stated that they had concerns that their application for Wailuku Shaft 33 is considered a new use as suppose to an existing use. She indicated that they were delinquent in obtaining a signature from the owner within the deadline, therefore their application was considered a new use application instead of an existing use application. Ms. Kraftsow indicated that this would be a great loss to their system as it is one of their biggest sources, if their application would be considered a new use versus an existing use.

Deputy Director Izu stated that the intent of the public hearing is not to close it at the end of the meeting as they are expecting more information. Also stated that under the rules, if anyone wanted to request a contested case hearing, they could make a request prior to the close of the public hearing, and within 10 days after the close of the public hearing, submit a written request. Deputy Director Izu stated that by not closing the public hearing, this would allow the public to provide as much information as possible.

Ms. Sprout requested that the public hearing be postponed in the event the public does not receive information in advance.

Mr. Jeff Pierson from the MDWS stated that he was confused as to why Wailuku Shaft 33 is listed twice on exhibit 2, once under existing use whereas the owner is listed as Kehalani Mauka and another under new use, whereas the owner is listed at MDWS. Mr. Pierson indicated that in checking with MDWS's Corp Counsel, MDWS did not sign off on Kehalani Mauka's application.

Ms. Kraftsow from MDWS stated that although there are two applications for the same municipal well, one under MDWS and another under Kehalani Mauka, MDWS would prefer that only one application exist, with the owner listed as MDWS, but be given a higher priority and not listed as a new use application.

Commissioner Frazier questioned MDWS as to what Kehalani Mauka's plans are for a water use permit. Mr. Pierson stated that they have a development going up in this area, but does not know what their specific plans are. Mr. Pierson stated that their Corp Counsel is currently working with Kehalani Mauka on a lease agreement to pay for water use. Commissioner Frazier asked if it could possibly be that Kehalani Mauka is protecting their water use outside of MDWS. Mr. Pierson stated that this could be their intent and therefore this is how the confusion arose with the two applications.

MOTION: (Miike/Frazier)

To amend the staff recommendation for public hearing by having existing use applications addressed in a separate session but on the same day as the new use application and the public hearing remain open to allow the public time to request a contested case hearing.

UNANIMOUSLY APPROVED

## **NON-ACTION ITEMS**

### **B-2. Report on USDA-REE Agricultural Water Security Listening Session**

PRESENTATION OF NON-ACTION ITEM: Yvonne Izu

DISCUSSION:

Deputy Director Izu stated that she attended a conference in Park City Utah, hosted by the United States Department of Agriculture (USDA), Research Education Economics division. Topics discussed were water quality, rural/urban water reuse, water supply, allocation and distribution.

NON-ACTION ITEM

### **B-3. Report on Maui Agricultural Summit**

PRESENTATION OF NON-ACTION ITEM: Yvonne Izu

Deputy Director Izu stated she was asked to speak at the Ag Summit Conference in Maui. The focus of this conference was on watershed management and alternative sources of water, such as wastewater reuse and storm water use for agriculture.

NON-ACTION ITEM

### **B-1. Report on Lalakea Ditch System Closure Report – by Kamehameha Schools and CWRM staff**

PRESENTATION OF NON-ACTION ITEM: Ed Sakoda

Ed Sakoda provided an update on the closure of the Lalakea Ditch System with a PowerPoint presentation.

NON-ACTION ITEM

### **B-4. Update on CWRM Water Conservation Related Projects**

PRESENTATION OF NON-ACTION ITEM: Dean Nakano

Dean Nakano updated the Commissioners with a number of projects such as the Hawaii Drought Plan Update, County/Local Drought Strategies, Update on the DLNR Prototype Water Conservation Plan Status of the City/State Water Conservation Partnership Project and a brief overview of the Stormwater Reclamation Appraisal Study.

NON-ACTION ITEM

**NEXT COMMISSION MEETINGS (TENTATIVE)**

- 1. November 16, 2004**
- 2. December 15, 2004**

**ADJOURNMENT**

Meeting was adjourned at 10:30 am.

Respectfully submitted,

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Karen Stahl  
Secretary

Approved as submitted:

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YVONNE Y. IZU  
Deputy Director-Water